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TO: Ms. Deborah Dotson
Group Art Unit: 1631

FROM: Tracy U. Palovich, Ph.D.

DATE: January 24, 2003

REFERENCE: U.S. Patent Application No. 09/700,329 for
"Prevention and Treatment of Hypergastrinemia"
(Philip C. Gevas, et al.) Our Ref: ACG2AUSA

NUMBER OF PAGES (including cover sheet): 23

FACSIMILE NUMBER OF RECIPIENT: 703/746-8698

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January 24, 2003

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Deborah Dotson
US Patent and Trademark Office
Washington, DC 20231

Re: US Patent Application No. 09/700,329 for "Prevention and Treatment of Hypergastrinemia", (Gevas et al.) Our Ref: ACG2AUSA

Dear Ms. Dotson:

Pursuant to our telephone conference of January 22, 2003, enclosed please find a copy of a Response to a *Notice to Comply with the Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosure* dated March 28, 2002. We did not enclose a CRF copy of the sequence listing since the sequence department of the US Patent and Trademark Office verified on October 11, 2002 that the same was received and found acceptable.

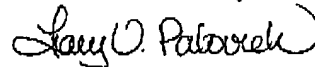
Please note that this Response, with enclosures, was timely hand-delivered to the US Patent and Trademark Office on April 25, 2002. We have enclosed a copy of the stamped postcard indicating receipt of the same.

We request that the enclosed Response be entered so that the application can be forwarded for examination in due course.

Your assistance is greatly appreciated.

Very truly yours,

HOWSON AND HOWSON



Tracy U. Palovich, Ph.D.
Patent Agent

TUP/bh
Enclosures

PATENT

Serial No. 09/700,329 Doc. No. ACG2AUSA Atty/Sec. MEB/bh Date 4-25-02

Inventor P. CEVAS Client ACG

Title PREVENTION AND TREATMENT OF HYPERGASTINEMIA

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

<input type="checkbox"/> pp. Spec., <input type="checkbox"/> Claims, <input type="checkbox"/> Abstract	<input type="checkbox"/> pp. Amendment: OA dtd <u>3-28-02</u>
<input type="checkbox"/> pp. Declaration/Power of Attorney	<input checked="" type="checkbox"/> pp. Response: OA dtd <u>3-28-02</u>
<input type="checkbox"/> pp. Verified Statement (Small Entry)	<input checked="" type="checkbox"/> pp. Transmittal Letter
<input type="checkbox"/> shs. Informal Drawings	<input type="checkbox"/> Issue Fee
<input type="checkbox"/> shs. Formal Drawings	<input type="checkbox"/> Notice of Appeal & Fee
<input type="checkbox"/> pp. Assignment	<input type="checkbox"/> Check # <u> </u> for \$ <u> </u>
<input type="checkbox"/> pp. Preliminary Amendment	<input checked="" type="checkbox"/> <u>pp. Statement to Support</u>
<input type="checkbox"/> pp. Extension of Time	<input checked="" type="checkbox"/> <u>pp. Sequence Listing</u>
<input type="checkbox"/> pp. Information Disclosure Statement	<input checked="" type="checkbox"/> <u>pp. Copy of 3-28-02 Office Action</u>
<input type="checkbox"/> with PTO-1449 and <u>021</u> references	<input checked="" type="checkbox"/> <u>1 Disk - C.F.R. - Sequence Listing</u>

The Patent and Trademark Office is respectfully requested to place its stamp on this postal card and place it in the outgoing mail.

X 1P-Exhibit A - Copy of Act Card 11-14-00
 X 3P-Exhibit B - Copy of Orig. Seq. Listing
 X 8P-Exhibit C - Copy of Second Prel. Amendment

Respectfully,
 HOWSON AND HOWSON
 MEB

4/13-H



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PATENT TRADEMARK OFFICE



ACG2AUSA

#16/c
PD
1-29-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of) Group Art Unit: 1631
)
P. Gevas et al.) Examiner: M. Borin
)
Appln. No. 09/700,329)
)
Filed: February 28, 2001)
)
For: PREVENTION AND TREATMENT OF) April 25, 2002
HYPERGASTRINEMIA)
)

BOX SEQUENCE

Assistant Commissioner for Patents
Washington, DC 20231

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE
SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURE**

Sir:

In a "Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures", dated March 28, 2002, Applicant was informed that the above-identified application failed to comply with the requirements of 37 CFR § 1.821-1.825. Specifically, Applicant was informed that:

- (i) The application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR § 1.821(c);
- (ii) A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR § 1.821(e). A paper copy is in the file but is not in accordance with new Sequence Listing Rules; and
- (iii) Applicant is also requested to provide SEQ ID numbers for peptide sequences in the specification and claims.

In response to that Notice, Applicant asserts that pursuant to 37 CFR § 1.821-1.825, a paper copy of the "Sequence Listing", a computer readable form (CRF) of the "Sequence Listing", a Statement to Support Filing and Submission, and an Amendment inserting the Sequence ID numbers were originally filed with the application. As support, Applicant encloses herewith as Exhibits A-C, a copy of the stamped postcard indicating receipt by the US Patent and Trademark Office of the above-noted items, the originally filed paper copy of the "Sequence Listing", and the Preliminary Amendment inserting the sequence ID numbers into the originally filed application. Further, Applicant asserts that the paper copy filed with the application and enclosed herewith as Exhibit B did conform with the new Sequence Listing rules.

However, in an effort to expedite examination of this application and in response to the "Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures" which was dated March 28, 2002, to which a response is due by April 28, 2002, enclosed herewith are:

- ☐ Amendment under 37 CFR § 1.825;
- ☒ Statement to Support Filing and Submission in accordance with 37 CFR §§ 1.821 through 1.825;
- ☐ Original pages of the Sequence Listing;
- ☒ Substitute copy of the pages of the Sequence Listing;
- ☐ Original computer readable form of the Sequence Listing;
- ☒ Substitute copy of the computer readable form of the Sequence Listing;
- ☒ Copy of Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
- ☐ Petition for a _____ month Extension of Time to Reply;
- ☐ OTHER:

The Director is hereby authorized to charge any deficiency in any fees due with the filing of this paper or credit any overpayment in any fees to our Deposit Account Number 08-3040.

Respectfully submitted,

HOWSON AND HOWSON
Attorneys for the Applicant

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